

TOXIC SUBSTANCES CONTROL ACT

12-5. Management of Polychlorinated Biphenyls (PCBs)

1. **AUTHORITY.** To perform the EPA functions and responsibilities pursuant to section 6(e) of the Toxic Substances Control Act (TSCA) and regulations codified in 40 CFR Parts 750 and 761, including the following authorities to carry out the activities in 40 CFR Part 761, which are assigned by rule to the Regional Administrators.

- a. To grant, deny, and revoke TSCA PCB Coordinated Approvals;
- b. To grant an application for a variance from the performance criteria applicable to a boiler that burns used oil;
- c. To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
- d. To require, allow, restrict or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment; and
- e. To approve or deny permit applications to operate PCB storage or disposal facilities.
- f. To approve or disapprove a self-implementing cleanup of, or changes to an approved cleanup of, PCB remediation waste;
- g. To approve requests to collect a surface sample from a natural gas pipe segment or pipeline section where the surface area is $< 100 \text{ cm}^2$;
- h. To waive notification of commencement of research and development for disposal activity or of self-implementing cleanup of PCB remediation waste;
- i. To request or require information or data on the nature, location, and extent of PCB contamination;
- j. To approve changes in ownership or operational control of a commercial storage facility;
- k. To approve, approve modifications to, or release owners or operators from closure plans for commercial storage facilities; and

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1. AUTHORITY (Cont.).

- l.* To extend limits on volume, concentration, or duration for PCB disposal activities and to extend the time limits for complying with PCB regulations, where the regulation specifically authorizes such extensions.

2. TO WHOM DELEGATED.

- a. The authorities listed in 1.a through 1.e, above, are delegated to the Director, Land and Chemicals Division and may not be redelegated further.
- b. The authorities listed in 1.f through 1.l, above, are delegated to the Director, Land and Chemicals Division (LCD); the Associate Director, Office of Remediation, LCD; the Associate Director, Office of Pennsylvania Remediation, LCD; and the Associate Director, Office of Toxics and Pesticides, LCD.

3. LIMITATIONS.

- a. This delegation is limited to the purposes stated herein and may be exercised only within the limitations of applicable law and regulation.
- b. The Regional delegates may only exercise delegated authorities in regard to facilities which will operate, or activities which will take place, within Region 3.
- c. This delegation of authority will remain in effect unless superseded by a subsequent delegation.

4. REDELEGATION AUTHORITY. These authorities may not be redelegated without formal amendment of this Delegation. The authorities listed in 1.a to 1.e, above, may not be redelegated further. The authorities listed in 1.f to 1.l, above, may not be delegated below the Branch Chief or equivalent level.

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5. ADDITIONAL REFERENCES.

- a. For the purpose of this delegation, all terms, such as “disposal,” have the meaning given to them under TSCA. Specifically, any definitions in 40 CFR § 761.3 apply.
- b. TSCA PCB compliance monitoring and enforcement activities are overseen by the Office of Enforcement and Compliance Assurance (OECA). See Delegation Nos. 12-1 through 12-3, 12-9 and 12-24.
- c. TSCA grants and cooperative agreement related activities are governed by Delegation Nos. 12-9 and 12-22.

6. SUPERSESSION. Delegations Manual, TSCA, Regional Delegation 12-5. Management of Polychlorinated Biphenyls (PCBs), 1200 TN RIII-152, (June 27, 2002).

Date: 3/16/09

/s/

William T. Wisniewski
Acting Regional Administrator